

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health

Petition No. 2005-1108-011-043

vs.

Monica L. Knight, LPN, Lic. No. 026113
Respondent

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter "Board") was presented by the Department of Public Health (hereinafter "Department") with a Statement of Charges and Motion for Summary Suspension dated December 22, 2005. Dept. Exhs. 1 and 2. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Monica L. Knight (hereinafter "respondent") which would subject respondent's licensed practical nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety. On January 18, 2006, the Board ordered, pursuant to its authority under § 4-182(c) and § 19a-17(c) of the General Statutes of Connecticut, that respondent's licensed practical nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated January 18, 2006, scheduling a hearing for February 15, 2006. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. The Summary Suspension Order, Notice of Hearing, and Statement of Charges were delivered to the respondent at her address of record by State Marshal on January 21, 2006. Dept. Exh. 1.

The hearing took place on February 15, 2006, at the Hartford Hospital – Newington Campus, 181 Patricia M. Genova Drive, Newington, Connecticut.

Respondent was present during the hearing and but not represented by counsel. Transcript, February 15, 2006, pp. 2-3.

Respondent orally answered the Statement of Charges. Transcript, pp. 9-11.

Following the conclusion of the hearing the Board unanimously voted to vacate the Summary Suspension ordered on January 18, 2006.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued licensed practical nurse license number 026113 on September 29, 1995. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 3-tab B.
2. At all relevant times, respondent was employed as a licensed practical nurse at Greentree Manor, Waterford. Dept. Exh. 3-tab A, p. 4; Transcript, p. 9.
3. On or about September 27, 2005, and October 5, 2005, respondent documented the removal of one dose of the medication Hydrocodone w/Apap for patient N.B. Respondent failed to document on the patient's medication administration record that the October 5th dose was administered. Dept. Exh. 3-tab A8.
4. On or about September 27, 2005, and October 5, 2005, respondent documented the removal and administration of two (2) doses of the medication Oxycodone for patient V.E. Dept. Exh. 3-tab A9
5. On or about September 27, 2005, and October 5, 2005, respondent documented the removal of two 2 tablet doses of the medication Oxycodone for patient A.G. Respondent only documented one 2 tablet dose in the patient's medication administration record on each date. Dept. Exh. 3-tab A10
6. Urine screens were conducted on these three patients on September 28, 2005, and October 6, 2005. Qualitative and quantitative laboratory results were negative for the presence of oxycodone or hydrocodone. Dept. Exh. 3-tab A8-10.
7. During the time period of on or about September 27, 2005 and October 5, 2005, patients N.B, V. E. and A.G. were administered the medications oxycodone and/or hydrocodone as signed out by nurses other than respondent. Dept. Exh. 3-tab A.
8. While respondent initially admitted diverting the Oxycodone and Hydrocodone, subsequently rescinded her admissions, stating that she made these statements under duress and coercion by the Department of Consumer Protection Drug Control Agents. Transcript, pp. 37, 50-51, 55, 68-69.
9. Respondent testified that while employed at Greentree Manor she administered medications without properly making a corresponding entry in a patient's medication administration record. Transcript, pp. 56-58.

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

Monica Knight held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by Conn. Gen. Stat. §§ 4-177(a) and (b), and 4-182(c). The hearing was held in accordance with Conn. Gen. Stat. Chapters 54 and 368a as well as §§ 19a-9-1 through 19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by Conn. Gen. Stat. § 4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 3 of the Statement of Charges alleges that between approximately July 2005 and October 2005, while working as a licensed practical nurse at Greentree Manor, respondent:

- a. diverted Oxycodone and/or Hydrocodone;
- b. failed to completely, properly and/or accurately document medical or hospital records; and/or,
- c. falsified one or more Controlled Substance Receipt Records.

PARAGRAPH 4 of the Statement of Charges alleges that from about July 2005 through about October 2005, respondent abused or utilized to excess Oxycodone and/or Hydrocodone.

PARAGRAPH 5 of the Statement of Charges alleges that respondent's abuse of Oxycodone and/or Hydrocodone may affect her practice as a licensed practical nurse.

Respondent denies Paragraphs 3a, 3c, 4, and 5 of the Statement of Charges but admitted to Paragraph 3b during her testimony. Transcript, pp. 9-11, 56-57.

The General Statutes of Connecticut § 20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17. . . .

(b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following:...(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions;...(5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...

Based on the credible testimony of respondent and its review of evidence presented, the Board concludes that the Department failed to produce a preponderance of evidence to prove the allegations set forth in Paragraphs 3a, 3c, 4, and 5 of the Statement of Charges. The Department offered negative urine screen results to demonstrate that respondent did not medicate patients as charted on September 27, 2005 and October 5, 2005. The Board found that other nurses on or about the dates in question also medicated these patients, therefore, the urine screen results should have been positive to account for the medications administered by nurses other than respondent. The Board finds that the urine screen results are not reliable. Paragraphs 3a, 3c, 4, and 5 of the Statement of Charges are dismissed.

Based on the evidence presented and respondent's admission, the Board finds that respondent, on at least one occasion, signed out medication on a controlled substance receipt record but failed to make a corresponding entry in the patient's medication administration record.

The Board concludes that although respondent's conduct as alleged in Paragraph 3b of the Statement of Charges is proven, said conduct does not rise to the level that warrants disciplinary action by this Board.

Order

Pursuant to its authority under Conn. Gen. Stat. §§ 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders the following:

The Statement of Charges dated December 22, 2005 is dismissed.

The Board of Examiners for Nursing hereby informs respondent, Monica Knight, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 19th day of July, 2006.

BOARD OF EXAMINERS FOR NURSING

By 